

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JAMES E. CRANFORD AND
WANDA HAMMON CRANFORD**

PETITIONERS

VS.

CIVIL ACTION NO. 1:06cv-1085 LG-JMR

COUNTRYWIDE HOME LOANS, INC.

DEFENDANT

**AGREED ORDER REMANDING CASE TO THE CHANCERY COURT OF HARRISON
COUNTY, FIRST JUDICIAL DISTRICT**

Currently pending before the Court is the *Motion to Remand* [Docket No. 4] filed by the Plaintiffs, JAMES E. CRANFORD and WANDA HAMMON CRANFORD, and the *Response by Countrywide Home Loans, Inc. in Opposition to Motion to Remand* [Docket No. 7] filed by the Defendant, COUNTRYWIDE HOME LOANS, INC. (“Countrywide”), and the *Reply* [Docket No. 10] and supporting Rebuttal Memorandum [Docket No. 9] filed by Plaintiffs. Upon due consideration, the Court finds as follows:

1. The parties herein have filed their joint *Stipulation of Dismissal of Certain Claims with Prejudice*, dismissing with prejudice the Plaintiffs’ claims made pursuant to the federal Fair Debt Collections Practices Act (the “FDCPA”), codified in 15 U.S.C. Section 1692 *et seq.*, as contained in Paragraphs No. 22 through 35, inclusive, of the body of and in Paragraph No. (c) of the *Prayer for Relief* of their *Petition for Preliminary and Permanent Injunction and Temporary Restraining Order* (the “Petition”). The Stipulation of Dismissal also provides that it does not affect the claims of the Plaintiffs made under the Mississippi Foreclosure Moratorium Act, MISS. CODE ANN. Sections 89-1-301 *et seq.* as made in Paragraphs No. 8 through 20, inclusive, of the body of and in Paragraphs No. (a), (b) and (c) of the *Prayer for Relief* of the Petition, and that the Plaintiffs may continue to pursue those claims. Since the FDCPA claims have been dismissed, there are no other questions of federal law to be litigated in this cause, and Countrywide has conceded,

and the parties have agreed that this Court lacks jurisdiction over this matter pursuant to 28 U.S.C. Section 1331.

2. Although there is complete diversity of citizenship among the parties, the Plaintiffs' remaining claims are related solely to the relief they seek pursuant to MISS. CODE ANN. § 89-1-301 *et seq.*, and the Plaintiffs have conceded that they are not seeking any monetary damages against Countrywide. Since there are no monies in controversy following the dismissal of the FDCPA claims and thus, the requisite \$75,000 amount in controversy requirement is not met, the parties have therefore agreed that this Court does not have jurisdiction pursuant to 28 U.S.C. Section 1332.

3. Countrywide filed its *Response in Opposition to Motion to Remand* on December 20, 2006, setting forth its allegations regarding diversity and federal question jurisdiction, and following the entry of the Stipulation of Dismissal, Countrywide now represents to this Court that it does not oppose the Plaintiffs' Motion to Remand.

IT IS, THEREFORE ORDERED AND ADJUDGED, that because the Plaintiffs' claims made pursuant to the Fair Debt Collections Practices Act, contained in Paragraph Nos. 22 through 35 of their *Petition for Preliminary and Permanent Injunction and Temporary Restraining Order* have been **DISMISSED WITH PREJUDICE** pursuant to the Stipulation of Dismissal, this Court lacks federal question jurisdiction pursuant to 28 U.S.C. § 1331.

IT IS FURTHER ORDERED AND ADJUDGED that because Plaintiffs' remaining claims made pursuant to MISS. CODE ANN. § 89-1-301 *et seq.* not seek monetary damages, this Court lacks subject matter jurisdiction pursuant to 28 U.S.C. § 1332; therefore, these claims are hereby **REMANDED** to the Chancery Court of the First Judicial District of Harrison County, Mississippi, for further proceedings.

IT IS FURTHER ORDERED AND ADJUDGED that each party shall bear their or its own attorneys' fees and costs incurred in the removal and remand of this litigation.

IT IS FURTHER ORDERED AND ADJUDGED that the Clerk of the Court shall immediately mail a certified copy of this Agreed Order to Remand to the clerk of the state court.

SO ORDERED AND ADJUDGED this the 17th day of January, 2007.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE

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